

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 MAY 19 AM 6:51

ROBERT D. DELVECCHIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

KEENA WELLS and GENARD WELLS,)

Plaintiffs,)

vs.)

BARLOWORLD TRUCK CENTER, INC.)

a.k.a. BARLOWORLD FREIGHTLINER,)
INC.,)

Defendant.)

No. 2:04-cv-03033 Ma/P

DEFENDANT'S PROPOSED RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates have been established as the final dates for:

INITIAL DISCLOSURES pursuant to Fed.R.Civ.P. 26(a)(1): **June 2, 2004**

JOINING PARTIES: **July 19, 2005**

AMENDING PLEADINGS: **July 19, 2005**

INITIAL MOTIONS TO DISMISS: **August 8, 2005**

COMPLETING ALL DISCOVERY:

a) WRITTEN DISCOVERY: **December 30, 2005**

b) DEPOSITIONS: **December 30, 2005**

c) EXPERT DISCLOSURES (Rule 26)

1) Plaintiff's Rule 26 Expert: **September 30, 2005**

2) Defendants' Rule 26 Expert: **October 28, 2005**

3) Expert Depositions: **December 30, 2005**

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on **5-19-05**

(11)

FILING DISPOSITIVE MOTIONS: **January 30, 2006**

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- a) For Plaintiff: **Thirty (30) days prior to trial**
- b) For Defendants: **Twenty (20) days prior to trial**
- c) Parties shall have **ten (10) days after service** of opposition's final witness and/or exhibit list to file objections under Rule 26(a)(3)

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery deadline. All motions, written discovery, or other filings that require a response must be filed sufficiently in advance of the discovery deadline so as to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within thirty (30) days of the default or the service of the response, answer, or objection if the default occurs within thirty (30) days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

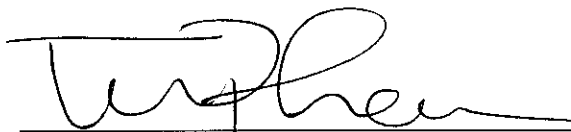
The parties are reminded that, pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59, and 60, must be accompanied by a proposed order. The opposing party on any motion may file a response. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it must file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

This case is set for JURY TRIAL and is expected to last three (3) days. The district judge will set the trial date, pretrial conference date, and deadline for pretrial order. The attorneys will determine if the case is appropriate for ADR and will report to the Court within one (1) week after the close of discovery.

The parties have not consented to trial before the magistrate judge.

This Scheduling Order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.



Honorable Tu M. Pham

United States Magistrate Judge

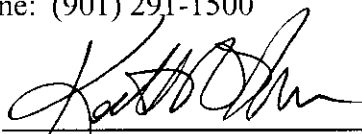
Dated: _____

5/18/05

SUBMITTED BY:

FORD & HARRISON LLP
795 Ridge Lake Blvd., Suite 300
Memphis, Tennessee 38120
Phone: (901) 291-1500

By: _____



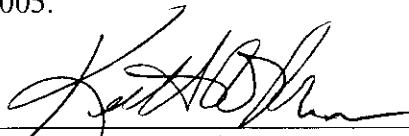
Louis P. Britt (#5613)

Keith R. Thomas (#18928)

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon Mr. Dee Shawn Peoples, 100 North Main, Ste. 2909, Memphis, Tennessee 38103, by U.S. Mail, postage prepaid, this 17th day of May 2005.



Keith R. Thomas

MEMPHIS:152578.1

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Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 2:04-CV-03033 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT